



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/827,112

04/19/2004

Paul Kadan

KADAN-2

1456

20151 7590 08/01/2005

HENRY M FEIEREISEN, LLC  
350 FIFTH AVENUE  
SUITE 4714  
NEW YORK, NY 10118

EXAMINER

FISHMAN, MARINA

ART UNIT

PAPER NUMBER

2832

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

<b>Office Action Summary</b>	<b>Application No.</b> 10/827,112	<b>Applicant(s)</b> KADAN ET AL.	
	<b>Examiner</b> Marina Fishman	<b>Art Unit</b> 2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15 - 24 and 29 - 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-17, 19-24, 29-33 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *General status*

1. This is a Final Action on the Merits. Claims 15 – 24 and 29 - 33 are pending in the case and are being examined.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 15, 16, 19 -23, 29 - 31 and 33 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kawata et al. [US 6,255,608].

Kawata et al. disclose a switching device comprising:

- a housing [2] having a height;
- a terminal [15] disposed on the housing;
- flat-plate shielding elements [2b, Figure 1A] formed as one piece on the housing in a region proximate the terminal and extending substantially over the entire height of the housing;
- a terminal opening [12, Figure 4], with the shielding element being formed about the terminal opening and the shielding being parallel to the terminal opening;
- an indentation is formed on a part of the housing (outer housing has indentation to form plate shaped wall in the proximity of the terminals) and the shielding walls [2b] have

thinner and thicker portion forming an indentation in the area of thinner wall;

- the openings for the screws are formed between the sidewall and shield wall, and between the two shield walls;
- fastening screw openings are formed between the two shielding elements [2b] and the shielding elements are parallel to the opening (both are vertical);
- the switch disclosed is a circuit breaker [column 1, lines 15-16].

Regarding Claim 20, a housing [2] having a lateral exterior surface [left and right walls, in Figure 1A - not numbered] and the walls having exterior surfaces and at least one shielding element [2b, only one of the two shielding element positioned between the exterior walls is considered], the shielding elements is formed as one piece with the housing and is positioned on the inner side from the exterior wall and therefore, moved away from the lateral exterior surfaces by a distance that prevents the shielding element from contacting the shielding elements of another switching device placed adjacent to the switching device, thereby lengthening leakage path between adjacent switching devices.

Regarding Claims 21-23, the indentations, and screw openings are disclosed in Figure 1A.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2832

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawata et al. [US 6,255,608] in view of Bottelson [US 4,400,672].

Kowata et al. disclose the instant claimed invention except for a reinforcing rib for the shielding element. Bottelson, [Figure 6] discloses a plate element [82] with a reinforcing rib [90]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a reinforcing rib to the shielding element of Kawata et al. as suggested by Bottelson, in order to improve structural strength of the shielding element.

6. Claims 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawata et al. [US 6,255,608] in view of Marach [US 4,527,849].

Regarding Claim 24 Kowata et al. disclose the instant claimed invention except for the movable case with thread and a clamping support, a fixed case with through opening. Marach discloses a terminal clamping arrangement with a movable case [72, column 3, lines 59 -64] with threads, a fixed case [18] surrounding the movable case and having a through opening [Figure 2, an opening for head of the screw 56], a clamping screw [56] disposed on the fixed case and intended for threaded engagement into threads of the movable case through the through opening, so as to urge a head of the clamping screw against clamping support (top of movable case). Marach also discloses an adjustable clamping opening for cable end or lugs between the movable case and fixed case. Cable can be inserted through opening [opening between elements 80 and 64a] and can be clamped between the movable case and the fixed

Art Unit: 2832

case, the clamping opening being adjustable with the clamping screw. The head of the screw can be completely unscrewed from the top. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide terminal area with a fixed case and movable case in the switch of Kawata et al. as suggested by Marach, in order to have better cable/lug clamping. Kawata et al. and Marach, both disclose use of a washer or platelet. Providing a thread-free region with tapered cross section next to the screw head would have been an obvious matter of design choice, so as to prevent the washer from rotating, when the screw is tightened.

Regarding Claim 32, the switch disclosed by Kawata et al. is a circuit breaker [column 1, lines 15-16].

#### ***Allowable Subject Matter***

7. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The recitation of "each terminal having a clamping opening and shielding elements disposed about the corresponding clamping opening, wherein adjacent clamping opening are separated by at least two shielding elements having gap therebetween" defines the claim over the art of record.

#### ***Response to Arguments***

8. Applicant's arguments filed 06/27/2005 have been fully considered but they are not persuasive.

9. The rejections in the previous office action under 35 USC §112, second paragraph, drawing objection under 37CFR 1.83(a) and the Specification objections are withdrawn in view of Applicant's amendments.

10. Regarding amended Claim 15, the Applicant argued "Kawata also does not disclose or suggest that the switching device includes at least two spaced-apart terminals, wherein each terminal has a clamping opening and shielding elements disposed about the corresponding clamping opening, and wherein adjacent clamping opening are separated by at least two shielding elements having gap therebetween.", this limitation is not found in Claim 15. This limitation, however, is found in Claim 18, which has been objected based on a rejected base claim.

11. Regarding Claim 20, the Applicant recited the claim limitation, but did not present any arguments. The Examiner nevertheless wishes to point out that the Kawata reference meets the claim limitation. Regarding Claim 24, the Applicant has argued that the references of Kawata and Marach do not disclose the claimed subject matter. The Examiner respectfully disagrees. Providing a thread-free area underneath the screw head is a matter of design choice and is also well known in the art, so that the washer does not rotate while the screw is tightened.

### ***Conclusion***

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2832

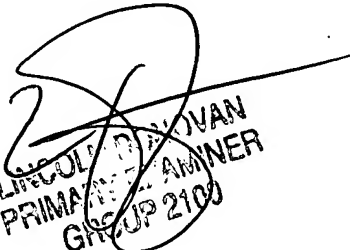
TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman  
July 26, 2005

  
LINCOLN D. IVAN  
PRIMAVERA AMNER  
GROUP 2100



3/3

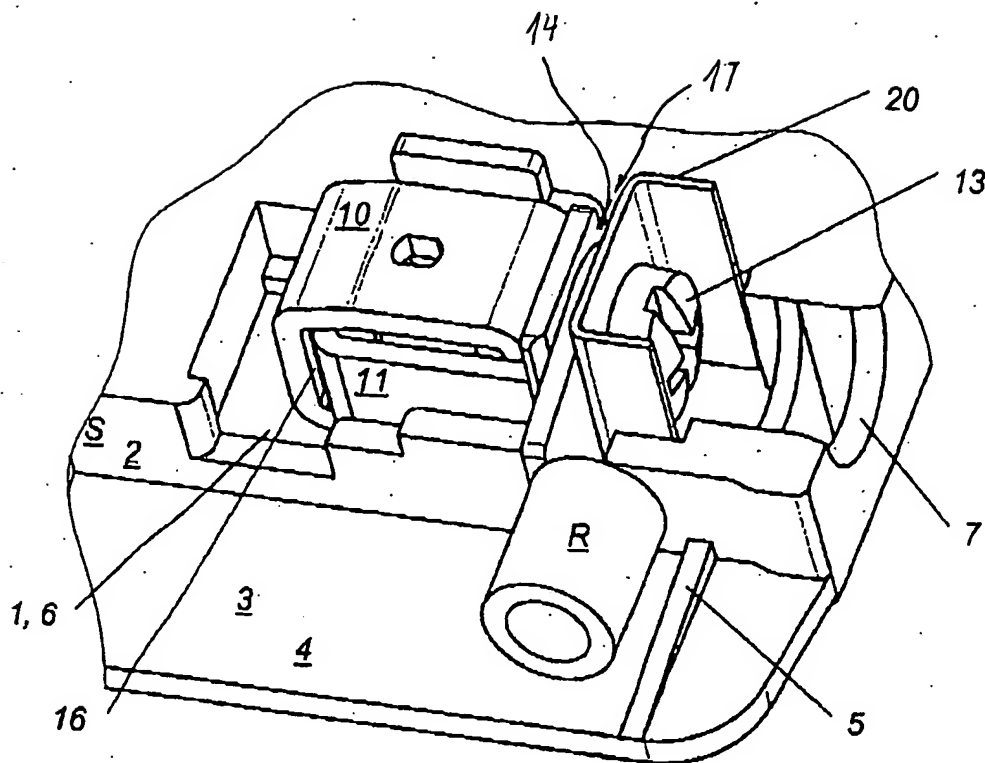


Fig. 6

Approved 02/26/05 *[Signature]*

Approved 07/26/05 *[Signature]*



REPLACEMENT SHEET

2/3

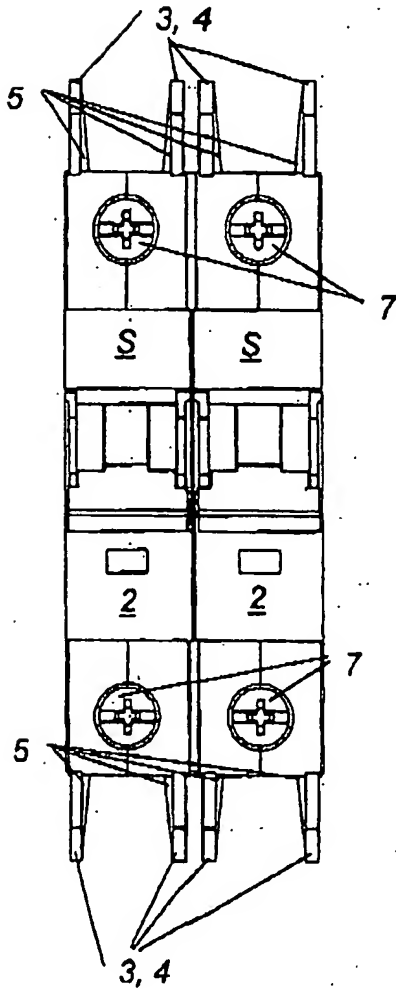


Fig. 2

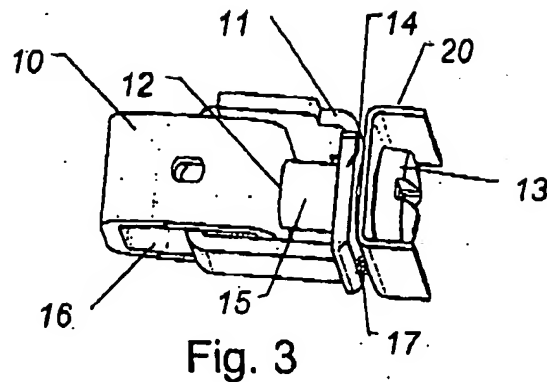


Fig. 3

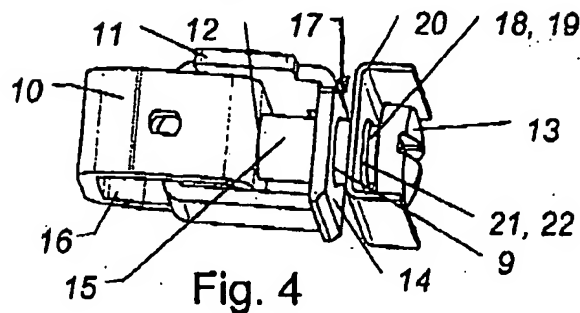


Fig. 4

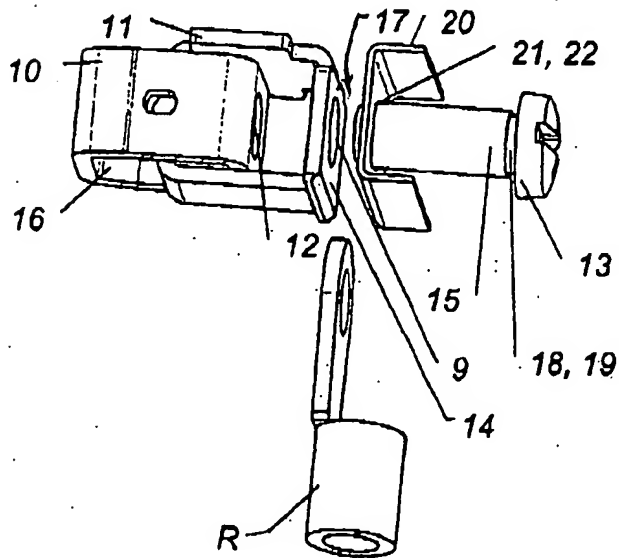


Fig. 5